

KAREN P. HEWITT
 United States Attorney
 DAVID M. McNEES
 Special Assistant U.S. Attorney
 California State Bar No. 216612
 Federal Office Building
 880 Front Street, Room 6293
 San Diego, California 92101-8893
 Telephone: (619) 557-5979
 E-mail: david.mcnees@usdoj.gov

Attorneys for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 07cv2176-BTM(LSP)
)	
Plaintiff,)	JOINT MOTION FOR
)	JUDGMENT OF FORFEITURE
v.)	
)	
ONE 2005 FORD F250 TRUCK,)	
CA LICENSE NO. 2606DDP,)	
VIN 1FTSW21P25EB71258,)	
ITS TOOLS AND APPURTENANCES,)	
)	
Defendant.)	

The United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimant, Susan M. Earnhart ("Claimant"), agree as follows:

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendant ("Defendant Vehicle").

2. The parties have agreed to a settlement which is hereinafter described in its particulars.

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1 3. Claimant will pay \$10,000.00 to the United States in return for the Defendant
2 Vehicle. Upon Claimant's payment of \$10,000.00 in the form of a cashier's check made payable
3 to the United States Marshals Service, the Defendant Vehicle shall be returned to Claimant. The
4 \$10,000.00 paid by Claimant shall be forfeited and condemned to the United States pursuant to
5 Title 21, United States Code, Section 881. Judgment shall be entered in favor of the United States
6 on its complaint.

7 4. Bryan D. Earnhart, Claimant's son and co-owner of the Defendant Vehicle, and
8 Richard Earnhart, Claimant's husband, concur with this joint motion and have affixed their
9 signatures hereto. Claimant warrants and represents as a material fact that there are no other
10 owners of the Defendant Vehicle and further warrants that no other person or entity has any right,
11 claim or interest in the Defendant, and that she will defend and indemnify the United States against
12 any and all claims made against it on account of the seizure and forfeiture of the Defendant
13 Vehicle.

14 5. Costs incurred by the United States incident to the seizure and custody of the
15 Defendant Vehicle shall be the first charge against the \$10,000.00 paid by Claimant for
16 return of the Defendant Vehicle.

17 6. The person or persons who made the seizure or the prosecutor shall not be liable
18 to suit or judgment on account of such seizure in accordance with Title 28, United States Code,
19 Section 2465. Claimant agrees that by entering into this joint motion, she has not "substantially
20 prevailed" within the meaning of 28 U.S.C. § 2465. Each party shall bear its own costs and
21 expenses, including attorney fees.

22 7. The Claimant, her agents, employees, or assigns, shall hold and save harmless the
23 United States of America, its agents and employees, from any and all claims which might result
24 from the seizure of the Defendant Vehicle.

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1 8. Following the receipt of \$10,000.00 by the United States and return of the
2 Defendant Vehicle to Claimant as described above, the case shall be closed.


3 DATED: 12/11/07

4 KAREN P. HEWITT
5 United States Attorney

6 

7 DAVID M. McNEES
8 Special Assistant U.S. Attorney
9 Attorneys for Plaintiff
10 United States of America
11 E-mail: david.mcneess@usdoj.gov


12 DATED: 12-6-07

13 
14 SUSAN M. EARNHART
15 Claimant

16 DATED: 12-3-07

17 
18 BRYAN D. EARNHART
19 Co-owner of Defendant Vehicle

20 DATED: 12/6/07

21 
22 RICHARD EARNHART
23 Husband of Claimant
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